

Department of Mental Health Exceptions Committee Meeting

March 7, 2003

Minutes

In attendance were Rosie Anderson-Harper, Julie Carel, Jackie Coleman, Jodi Frederick, Melinda Elmore, Rebecca Carson and coordinator Rich Overmann.

Endless Options, Inc., Fayette MO., requested an exception to allow an employee of Endless Options, Bill Nodder, to work in a support position even though he does not have a GED and has not yet earned a high school diploma. The request arises from subparagraph 9 CSR 45-5.010(3)(D)2.A. which reads as follow: "Individuals receive the degree of supervision consistent with personal ability and the nature of the environment". A guideline tied to this rule requires staff to have a high school diploma or a GED. The committee determined that it does not have the authority to grant an exception because the diploma or GED is not required by administrative rule. In as much as this interpretive guideline was developed by the Division, the committee defers to the Division to determine if this is an acceptable practice. It was noted that Division action should be communicated to the Licensure/Certification Unit who works from those guidelines.

The Dream Works, Kansas City, MO. The committee received a letter from Mr. Randy Vaught asking the committee to reconsider a request denied last month by the committee. The following excerpt from the minutes of the meeting on February 7, 2003 summarizes the nature of the request and the action of the committee.

"The Dream Works of Kansas City requested an exception on behalf of Randall Vaught to enable him to work as a Qualified Mental Retardation Professional (QMRP). He lacks the required degree in a human service field as required under 9 CSR 45 and 42CFR483.430. Mr Vaught has a bachelor's degree in business with a minor in special education. The request states that Mr. Vaught has been employed at Dream Works since January 2000, but there is no statement about his experience prior to January 2000. The committee denied the request because the information provided did not demonstrate a level of education and experience that the committee would consider adequate preparation for the responsibilities of a QMRP."

In his letter of February 26, 2003 Mr. Vaught itemized his experience and the committee granted the exception under the following condition. The Dreams Works has documentation, which is available for review by department staff upon request, verifying each of the following work experiences, as described in Mr. Vaught's letter of February 26, 2003.

- Home Health Care Worker for 13 years, Many duties with a wide range of consumers with varying degrees of disability.
- Served on IEP development team for the Fort Osage School District, 1996-1999.
- Certified Instructor for The American Red Cross (Wyandotte Chapter).
- Certified Instructor for Abuse and Neglect through KCRC.
- Volunteer for MOAIDD.
- Certified Child Advocate for CASA.

Louis Gamble, a private individual, requested an exception under 9 CSR 10-5.190. He is disqualified from employment due to a felony crime of child molestation. The committee did not consider the request because under section 630.170 RSMo and 9 CSR 10-5.190 (9) a felony crime of first or second degree child molestation is not subject to exception.

Archway Communities, St. Louis, MO, requested an extension of an exception issued on behalf of an employee, Milton Sanders. Mr. Sanders committed first degree assault in 1986 and was sentenced to 30 years. He was released in 1998. He received one-year exceptions in 1999, 2000, 2001 and 2002. The committee has now extended the exception for five years, with the following conditions.

- The exception applies to Mr. Sanders as an employee of Archways Communities and is not valid to authorize employment at other agencies.
- Mr. Sanders and/or Archway Communities must advise the Exceptions Committee if there are any parole violations

Marsha Murphy of Halliburton Group Homes. The committee reviewed Ms. Murphy's case summarized below and decided to keep her request open in anticipation of her being released from probation in May or June of this year.

About Marsha Murphy

- 1994 – committed armed robbery
- 1999 – released from prison- on parole until 8-06
- 8-2000 requested exception to be volunteer at Preferred Family Healthcare – request denied because still on parole – conflicts with ADA/Corrections agreement
- 8-2002 requested exception to be employee at Halliburton Hill Group Homes
 - ✓ applicant stated that she may be released soon from parole due to good behavior
 - ✓ not approved because of vulnerability of MRDD residents
 - ✓ discussion within MRDD determined to favor the exception when subject is released from parole
 - ✓ committee did not respond – left request open awaiting applicant to be released from parole.
- March 5, 2003 – client called -will go before parole board in May or June
- March 7, 2003- committee decided to advise applicant that request is to be held open in anticipation of release from parole in May or June, 2003.

March 18, 2003

Debra Miller, Director
Endless Options, Inc.
222 East Davis
Fayette, Missouri 65248-0029

Dear Ms. Miller:

On March 7, 2003, the Department of Mental Health Exceptions Committee reviewed your request for an exception dated February 10, 2003, on behalf of Bill Nodder. The committee noted that the requirement that staff have a high school diploma or GED is established by interpretative guideline, not by administrative rule. Since the jurisdiction of the exceptions committee is limited to administrative rules, the committee determined that it has no authority to grant or to deny an exception in this matter. The committee is therefore referring the issue to the Division of Mental Retardation and Developmental Disabilities.

If you have any questions in this matter, please contact me at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

Cc Jane Perry
Sandy Wise, Central Missouri Regional Center
Gail Clair, MRDD District Deputy

March 18, 2003

Mr. Randy Vaught
The Dream Works
21 N. 12th Street, Suite 470
Kansas City, KS 66102

Dear Mr. Vaught

On March 7, 2003, the Department of Mental Health Exceptions Committee reconsidered your request for an exception. Under the terms of the request you would be able to serve as a qualified mental retardation professional in the absence of meeting all the qualifications for that position as required under 9 CSR 45. Your letter of February 26, 2003 provided additional information which led the committee to grant an exception under the following condition. The Dreams Works has documentation, which is available for review by department staff upon request, verifying each of the following work experiences, as described in your letter of February 26, 2003.

- Home Health Care Worker for 13 years, performed many duties with a wide range of consumers with varying degrees of disabilities.
- Served on IEP development team for the Fort Osage School District, 1996-1999.
- Certified Instructor for The American Red Cross (Wyandotte Chapter).
- Certified Instructor for Abuse and Neglect through KCRC.
- Volunteer for MOAIDD.
- Certified Child Advocate for CASA.

If you have any questions in this matter, please contact me at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

CC Director, Kansas City Regional Center

March 18, 2003

Mr. Louis Gamble
1221 Cleveland
Kansas City, 66104

Dear Mr. Gamble:

On March 7, 2003, the Department of Mental Health Exceptions Committee reviewed your request for an exception dated February 16, 2002. The committee determined that no exception is possible because the applicable statute and administrative rule do not permit an exception for the felony crime of first or second degree child molestation. The applicable statute is section 630.170 RSMo and the applicable administrative rule is 9 CSR 10-5.190.

If you have any questions in this matter, please contact me at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

March 18, 2003

Mr. Samuel-Christopher Anderson
Program Director
Archway Communities
5652 Pershing Ave
St. Louis, MO 63112

Dear Mr. Anderson:

On March 7, 2003, the Department of Mental Health Exceptions Committee reviewed your request for an exception dated February 18, 2002. The requested sought an extension of a waiver under 9 CSR 10-5.190 for Mr. Milton Sanders. The committee granted the exception with the following conditions.

- The exception is valid for five years from the date of this letter, at which time the request must be repeated.
- The exception applies to Mr. Sanders as an employee of Archways Communities and is not valid to authorize employment at other agencies.
- Mr. Sanders and/or Archway Communities must advise the Exceptions Committee if there are any parole violations

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

March 18, 2003

Marsha Murphy
Halliburton Hill Group Homes
2206 South Halliburton
Kirksville, Missouri 63501

Dear Ms. Murphy:

This will follow-up our telephone conversation earlier this month concerning your request for an exception. It is our understanding that your parole status will be reviewed in May or June of this year and you expect a favorable result. The Exceptions Committee reviewed your request on March 7, 2003 and agreed to keep your request open in anticipation of your possible release from parole in May or June of this year. Please send us verification of your release from parole as soon as you receive it and the committee will reconsider your request at that time. If we do not have a response from you by August of 2003 the committee will close your request. You may then reapply at any time.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

Cc Linda Bowers, Kirksville Regional Center

